

≠ 3)

**PATENT**

Application Serial No.: 09/049,297  
Attorney Docket No.: 98-007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

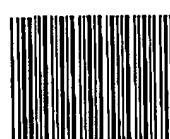
In re Application of: WALKER et al.

Serial No.: 09/049,297

Filing Date: March 27, 1998

For: SYSTEM AND METHOD FOR  
TRACKING AND ESTABLISHING A  
PROGRESSIVE DISCOUNT BASED  
UPON A CUSTOMER'S VISITS TO A  
RETAIL ESTABLISHMENT  
TERMINALS

Examiner: John W. Hayes  
Group Art Unit: 2161  
Attorney Docket No: 98-007  
Customer No.: 22927



22927



FAX RECEIVED

SEP 25 2002

**PETITIONS OFFICE**

CERTIFICATE OF TRANSMISSION BY  
FACSIMILE

I hereby certify that this correspondence is Facsimile Transmitted (fax no. 703.308.6916) to the: Assistant Commissioner for Patents, Washington, D.C. 20231, on September 25, 2002.

Dated: 9/25/2002 By:

Veronika S. Leljevec

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

## **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor

PATENT

Application Serial No.: 09/049,297  
Attorney Docket No.: 98-007

shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. [ ] Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. [ ] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_  
\_\_\_\_\_.
3. [ ] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
[ ] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

PATENT

Application Serial No.: 09/049,297  
Attorney Docket No.: 98-007

[ ] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[ ] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.

7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. this document is to be considered as a petition requesting consideration of the information disclosure statement.

PATENT

Application Serial No.: 09/049,297  
Attorney Docket No.: 98-007

- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- [ ] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
9. [ ] I hereby certify:
- [ ] that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- [ ] that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

PATENT

Application Serial N .: 09/049,297  
Attorney Docket No.: 98-007

10. [ ] Please accept payment of the fees due as indicated below:

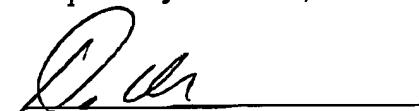
[ ] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

[ ] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [X] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,



Dean P. Alderucci  
Attorney for Applicants  
Registration No. 40,484  
[Alderucci@WalkerDigital.com](mailto:Alderucci@WalkerDigital.com)  
Walker Digital, LLC  
(203) 461-7337/phone  
(203) 461-7300/fax

September 25, 2002

Date